S.B.CIVIL TRANSFER PETITION NO.1/2007

Smt. Santosh Sharma
vs.
Kamal Kishore Pareek.

DATE OF ORDER ::: 12.4.2007

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. A Kala, for the petitioner.
Mr. MA Siddiqui, for the respondent.

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Heard learned counsel for the parties.

The petitioner, wife of the respondent, has filed this petition for transfer of the petition filed under Section 9 of the Hindu Marriage Act by the respondent and which is pending in the Court of Additional District Judge No.1, Deegh, District Bharatpur.

The petitioner submitted that her father had recently died and she has nobody to help her as her brother is residing at Gazipur in Uttar Pradesh. Her sisters are married. It is also submitted that the distance between Jodhpur and Deegh is about 500 kms.

and since the petitioner has no means, she cannot contest the case at Deegh.

The respondent has submitted reply to the transfer petition and submitted that the petitioner has filed transfer petition just to harass the respondent. According to the respondent, he is a disabled person as he met with accident and suffered fracture. His disability has been certified to be 77.5% by the doctor. The respondent has placed the certified copy of the disability certificate obtained from Motor Accident Claims Tribunal, Jaipur.

I considered the submissions of learned counsel for the parties.

It is not in dispute that the distance between Jodhpur and Deegh is about 500 kms. and the petitioner is residing at Jodhpur. The petitioner is lady and she says that her father has died recently and her brother resides at Gazipur in Uttar Pradesh. The respondent has submitted copy of medical certificate evidencing fracture which he suffered but that accident had occurred on 14.1.1999. In view of the injury, it cannot be said that the respondent cannot travel to Jodhpur.

Looking to the facts of the case, it is a fit case

for transferring the petition filed by the respondent.

In view of the above, this transfer petition is allowed, the Civil Misc. Case No.118/2006 (Kamal Kishore Pareek vs. Smt. Santosh Sharma) filed under Section 9 of the Hindu Marriage Act as well as Civil Misc. Case No.116/2006 (Dharmendra Kumar vs. Smt. Shobha) filed under Section 24 of the Hindu Marriage Act pending in the Court of Additional District Judge no.1, Deegh is hereby withdrawn and is transferred to the Family Court, Jodhpur for deciding the same in accordance with law.

Both the parties are directed to appear before the Family Court, Jodhpur on 7.5.2007.

(PRAKASH TATIA), J.

S.Phophaliya